

Unemployment Claims Unemployment Claims Appeal Tribunal Hearing Guidelines



Your HR Partner is pleased to be your main contact with the Oklahoma Employment Security Commission (OESC) and processing of University response to unemployment claims. After an employee separates from the University, s/he may apply for unemployment compensation with the OESC. When this occurs, OSU receives a notice that the former employee has filed. OSU must respond to the claim before the deadline expires. The local OESC office makes the initial determination based upon information received from the claimant and the employer.

If a party or the University is dissatisfied with the ruling, either party may appeal the decision to the Appeal Tribunal. The time to present complete evidence in an effort to win the case is when the initial decision is made or at the hearing. It becomes increasingly more difficult to introduce new material or testimony with each phase of the appeal process. Below are guidelines to assist departments in preparing for the hearing with the Appeal Tribunal.

When a department is notified of a hearing before the Appeal Tribunal, it is very important that documentation be submitted promptly to the HR Partner so that it can be forwarded to the Appeal Tribunal. The Appeal Tribunal must receive evidence at least 5 days before the hearing so a copy can be mailed to the claimant. Send in documentation right away, even if a continuance is requested. If the documentation is not received timely, it may not be accepted as evidence during the hearing. The documentation should be numbered on each page and placed in the order it will be presented so that all parties can easily locate it during the hearing. As exhibits are accepted as evidence, the Hearing Officer will assign a number for the exhibit. It is helpful to mark your exhibits accordingly during the hearing.

The hearing is usually held by teleconference. It is best if all participants are in the same room for the hearing. Make sure the room has a telephone with a speakerphone and is well situated so all parties can be easily heard. The meeting room should be in an enclosed area so that confidentiality can be maintained. Call the Appeal Tribunal 15 minutes before the hearing to inform them that the employer's representatives are present and give them the phone number where the employer can be reached. If a

Human Resources Partner is not present, the person acting as spokesperson should call the Appeal Tribunal. If a party fails to call on time, that party may not be allowed to participate. To reach the Appeal Tribunal, call one of the following numbers: Within the Oklahoma City calling area, call 840-1422. Within Oklahoma, but outside of Oklahoma City, call: 1-800-522-8218 or 1-800-362-2356. Outside Oklahoma, call: The hearing officer will call back when the hearing begins.

The hearing is formally structured. All parties who wish to participate are sworn in. One person is designated as the spokesperson for the employer. The hearing officer is in charge of the hearing. Failure to follow the guidelines set by the hearing officer can result in the case being dismissed with the other party winning the appeal.

The hearing officer will ask the employer to confirm the claimant's title, dates of employment, and where the decision should be sent. No matter where the claimant was employed, the decision should be sent to: OSU Human Resources, 106 Whitehurst, Stillwater, OK 74078. The spokesperson should be ready to make this information available at the hearing.

The hearing officer determines which party will begin. If the employer begins, the spokesperson will ask the claimant and the witnesses questions. The spokesperson may submit documentation as evidence. To ensure that all points are covered, it is best if an outline or list of questions is prepared beforehand.

Ask the hearing officer to enter the documentation as evidence so it will be an official part of the record. Explain what the documentation is and why it is significant. When referring to documentation, use the exhibit number of the document. The hearing officer will admit or refuse to admit documentation. Do not speak out of turn. Write notes if you need to communicate to those in the room. The hearing officer may interject at any time to clarify a procedural issue or to ask a question. The claimant also will have an opportunity to question OSU witnesses when the employer is finished presenting its case.

When the employer is finished, the claimant will present his/her arguments. Do not interrupt the claimant; the employer's spokesperson will be allowed to ask the claimant questions when s/he is finished presenting his/her arguments. Do not present testimony in the cross-examination. Make statements in the form of a question. The employer's spokesperson and the claimant will have an opportunity to make a closing statement.

The hearing officer will make a decision to be mailed within 14 days after the hearing. The decision will state the finding of facts, the law that applies to the facts, and the basis for the conclusion of the Hearing Officer. Rules and procedures for appealing the decision will be included.

If either party wishes to challenge the determination of the Appeal Tribunal, s/he may appeal to the Board of Review. The Board of Review generally decides the matter based upon the record made at the Appeal Tribunal. No new information is introduced at this time. Appeals to the Board of Review must be mailed directly to the Board within 10 days of the mailing date of the Appeal Tribunal decision. The Board of Review will sustain the previous decision, reverse the Appeal Tribunal's decision, or remand the case back to the Appeal Tribunal for further review.

After the opinion of the Board of Review is issued, further appeal may be made within 10 days to the District Court having jurisdiction. To have the case reviewed by the District Court, a Petition for Review must be filed in the county of residence of the claimant. The District Court is limited to determinations whether or not an error of law was committed in the hearing and whether or not the evidence introduced supports the findings.

As with any lower court ruling, the District Court's decisions are reviewable upon appeal by the Supreme Court of Oklahoma. The normal appellate procedures apply.

The key to successful handling of unemployment compensation claims includes providing as much information pertaining to the case as possible, meeting deadlines, and generally being available to answer questions. HR Partners are experienced with the process and encourage you to contact us if you have any questions regarding these procedures.